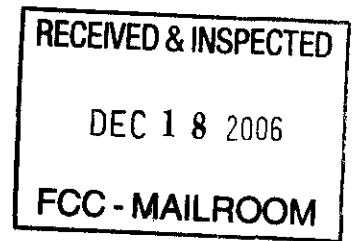


System: 165.135.210.45 sec fax,sec, 4181087 --- Time Printed: 12-18-2006 17:07:22

From: 3095433385  
Media: Fax 6 pages  
Subject:  
Status:  
Received: 04:43 PM 12/18/06

DOCKET FILE COPY ORIGINAL





# HAVANA UNIT SCHOOL

## DIST #126

### "Home of the Ducks"

501 S. McKinley

Havana, Illinois 62644

Ph: 309-543-3384 Fax: 309-543-3385

RECEIVED & INSPECTED

DEC 18 2006

FCC - MAILROOM

TO: FCC

ATT: USAC appeal Exate Form 471

DATE: 12-18-06

FAX #: 202-418-0187

FROM: Mullen Girard

NUMBER OF SHEETS INCLUDING THIS SHEET: 6

Fax: 202-418-0187

Pages: 40

December 18, 2006

RECEIVED &amp; INSPECTED

DEC 18 2006

FCC - MAILROOM

Federal Communications Commission  
Office of the Secretary  
445 12<sup>th</sup> Street, SW  
Room TW-A325  
Washington, DC 20554

CC Docket No. 02-6

**"Request for Review"**

RE: Administrator's Decision on Appeal - Funding Year 2006 - 2007

Applicant Name: Havana School Dist 126  
Billed Entity Number: 136657  
Form 471 Application #: 500230  
Funding Request #: 1377070

Contact Person: Diane Imlay  
Address: Havana School Dist 126  
501 S. McKinley  
Havana, IL 62644  
Phone: 309-543-3384  
Fax: 309-543-3385  
Email: [dimlay@roe38.k12.il.us](mailto:dimlay@roe38.k12.il.us)

I am appealing to FCC on the decision made by USAC on the appeal for "Funding Commitment Decision Letter for Funding Year 2006". We appealed the service start date and the annual pre-discount amount for eligible non-recurring charges. They have approved the portion for the amount. I had included the ineligible amount along with the eligible amount on my item 21.

They have denied the date portion saying "you did not have a signed and dated contract in place with our service provider. On April 21, 2006, the applicant provided a contract signed by both parties, but dated by the applicant only". The contract **does** show that it is signed and dated by both parties, (enclosed is a copy of contract). Please look on the contract, there is a date at the top left (January 19, 2006) this date represents when Lynette Mathias from TeacherWeb, Inc. signed the contract then faxed the contract to us for Suellen Girard to sign on January 23, 2006. The faxed date of January 23, 2006 shows at the top right corner. TeacherWeb, Inc. told us that they have been dealing with Eratic with schools for some time and this is the contract they use. These two dates are both before January 30, 2006 when the Form 471 was submitted.

No. of Copies rec'd  
List A B C D E

0

We would appreciate it very much if you would reconsider our appeal on the date of the contract, I think you will find that we did have the contract signed and dated by both parties before Form 471 was submitted. If you have any questions don't hesitate to contact me or Diane Imlay, contact person.

Sincerely,



Suellen Girard  
Superintendent

Enc: Contract  
Administrator's Decision on Appeal – funding Year 2006-2007



**Universal Service Administrative Company**  
Schools & Libraries Division

---

**Administrator's Decision on Appeal – Funding Year 2006-2007**

December 01, 2006

Suellen Girard  
Havana School District 126  
501 South McKinley  
Havana, IL 62644

Re: Applicant Name: HAVANA SCHOOL DISTRICT 126  
Billed Entity Number: 136657  
Form 471 Application Number: 500230  
Funding Request Number(s): 1377070  
Your Correspondence Received: May 12, 2006

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2006 Funding Commitment Decision Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 1377070  
Decision on Appeal: **Approved, Funding Denied**  
Explanation:

- Upon thorough review of the appeal letter and the relevant documentation, USAC has determined that this funding request was incorrectly denied. The item 21 Attachment sent by applicant identified separate Web hosting and creation services. As indicated in the appeal letter, Web creation services are ineligible, but hosting services are eligible. Therefore, the appeal is approved.

However, at the time you submitted your Form 471 application, you did not have a signed and dated contract in place with your service provider. On April 21, 2006, the applicant provided a contract signed by both parties, but dated by the applicant only. FCC Rules state that a contract must be signed and dated on or after the Allowable Contract Date as calculated by the Form 470 posting date, but prior to the submission of the Form 471. Consequently, funding is denied.

USAC has determined that, at the time you submitted your Form 471 application, you did not have a signed and dated contract for services in place with your service provider(s) for services other than tariffed or month-to-month services. FCC Rules require that applicants submit a completed FCC Form 471 "upon signing a contract for eligible services." 47 C.F.R. sec. 54.504(c). The FCC Rules further require that "both beneficiaries and service providers must retain executed contracts, signed and dated by both parties". See Schools and Libraries Universal Service Support Mechanism, CC Docket No. 02-6, Fifth Report and Order and Order, 19 FCC Rcd 15808, 15824-26, FCC 04-190 para. 48 (rel. Aug. 13, 2004). The FCC has consistently upheld USAC's denial of funding when there is no contract in place for the funding request. See Request for Review by Waldwick School District, Schools and Libraries Universal Service Support Mechanism, File No. SLD-256981, CC Docket No. 02-6, Order, 18 FCC Rcd. 22994, DA 03-3526 (rel. Nov. 5, 2003). The FCC Form 471 instructions under Block 5 clearly state that you MUST sign a contract for all services that you order on your Form 471 except tariffed services and month-to-month services. See Instructions for Completing the Schools and Libraries Universal Service, Services Ordered and Certification Form, OMB 3060-0806 (November 2004) at page 23.

If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either USAC or the FCC. For appeals that have been denied in full, partially approved, dismissed, or canceled, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division  
Universal Service Administrative Company

**TeacherWeb.com**



*"Enhancing communication among  
teachers, students and parents!"*

P.O. Box 1099., Ridgefield, CT 06877 ~ Ph. 203-438-2410 ~ Fax 203-438-2266

January 19, 2006

**CONTRACT FOR SERVICES**

TeacherWeb, Inc. proposes to provide the following services for the Havana School District 126, Havana, IL for the school year 2006-2007 (7/1/06-6/30/07).

Web hosting service for 90 teachers \$ 1871.10

Web creation service for 90 teachers \$ 18.90

Total Price: 90 teachers @ \$21 each \$ 1890.00

Customer Contact Name: Suellen Girard

Customer Contact Phone #: 309-543-3384

Vendor Contact Name: Lynette Mathias

Vendor Contact Phone #: 203-438-2410

E-rate SPIN: 143027750

Thank you!

Accepted:

Lynette Mathias  
TeacherWeb, Inc.

Accepted:

Suellen Girard  
Havana School District

1-23-06